

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

**IN RE:**

**AIDA ORTIZ ORTIZ**

Debtor

**CASE NO. 10-08174 (SEK)**

**CHAPTER 11**

**DEBTOR'S RESPONSE TO MOTION FOR RELIEF FROM ORDER (DKT. 44)**

**TO THE HONORABLE COURT:**

**COMES NOW**, Aida Ortiz Ortiz ( “ Debtor”) ,through the undersigned attorney and very respectfully states and prays:

1. On January 11, 2011, DDR Rio Hondo, LLC, SE and DDR Señorial LLC, SE (collectively “DDR”) filed a motion requesting relief from the order entered by this Honorable Court on December 27, 2010. (Docket 49)
2. DDR states that there has been insufficient time for them to object to the Disclosure Statement and the confirmation of the Plan due to the fact that the Ballots, the Order and the Disclosure Statement and Plan were notified by mail on January 3, 2011.
3. It is necessary to bring to the attention to this Honorable Court that the Disclosure Statement and Plan were filed on December 14 ,2010. On that same date a Notice of filing of the same was sent to all creditors and parties in interest by first class mail. Furthermore, both counsels for DDR are registered to receive electronic notice through the CM/ECF system of the Court. Therefore, they received instant notice of these three documents when they were filed on December 14, 2010.
4. Furthermore, they received electronic notice of the order on December 27, 2010,

when it was entered. The only documents that were not received instantly by counsel for DDR were the ballots in order for them to cast a vote. Nevertheless, they were in fact received and DDR has already executed their votes in this case and rejected the Plan.

5. The Debtor can not see how this creditor has been prejudiced, since they had immediate notice of the documents when they were filed and have already executed their votes. Therefore, their request should be denied.
6. Nevertheless, the Debtor understands that this Honorable Court has the discretion to revise its December 27, 2010 order and set it aside if it deems proper. In the event this Honorable Court determines that DDR's motion should be granted and it will allow the additional time requested by DDR until January 25, 2011, the Debtor prays that the time for the confirmation of the plan be enlarged accordingly pursuant to 11 USC 1121(e)(3) and an order be entered accordingly.
7. This case is a small business case and the Bankruptcy Code requires that a proposed plan of reorganization be confirmed within the term of 45 after its filing as provided by 11 USC 1129(e). In this case the Disclosure Statement and Plan were filed on December 14, 2010. Therefore, the 45 days term expires on January 28, 2011, three days after the new deadline requested by DDR.
8. The Debtor would need that the time to confirm the plan be extended after January 28, 2011 in order for it to properly respond to any objection to be raised by DDR and for this Honorable Court to schedule a hearing to consider the same.

**WHEREFORE**, the Debtor very respectfully request that this Honorable Court deny the

motion requesting relief from the order entered in Docket 44 or in the alternative that this Honorable Court allows said request that the time for the confirmation of the plan be enlarged accordingly pursuant to 11 USC 1121(e)(3) and an order be entered before the 45 days period provided by 11 USC 1129(e) elapses

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 17<sup>th</sup> day of January 2011.

**I HEREBY CERTIFY** that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to the parties appearing in said system.

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